

**REMARKS**

Claims 46-51, 67, 69-73, and 93-100 are pending. Claims 46, 50, 67, and 70-73 have been amended. Claims 940-100 are newly presented. Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

**Claim Rejections Under 35 U.S.C. § 112**

Claims 70-73 and 93 were rejected under 35 U.S.C. § 112, second paragraph. Specifically, The Office action rejected the claims for containing elements that lacked antecedent basis and for containing elements that were not clear. Applicants have amended claims 70-73 to more clearly recite the features contained in those claims. It is submitted that the claims are clear and definite. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

**Claim Rejections Under 35 U.S.C. § 102**

Claims 46, 49, 50, 67, 69, 70, and 93 were rejected under 35 U.S.C. § 102(e) over Westerlage et al. (U.S. Patent No. 5,694,322). Applicants respectfully traverse this rejection.

Claims 46 and 50 each recite, in part, a charge processing device that includes receiving means (claim 46) or transceiving means (claim 50) for receiving toll data from a location remote to the moving body including charge data, for each of a plurality of different moving body types determined on the basis of a size of the moving body type, relating to the area where a charge is applied. See for example the charge table (toll data) shown by Fig. 74 that includes charge data for heavy, medium and light vehicles. In contrast, Westerlage, discloses an apparatus for determining the tax for a vehicle using a positioning system. The tax is based on taxing regions that may include counties, districts, roads, etc. Westerlage further discloses that a mobile unit 22 for determining such a tax, may be carried on a car, truck, airplane, or boat (column 3, lines 5-35). Westerlage does not teach or suggest that a receiving means or a transceiving means receives toll data including charge data for a plurality of different moving body types determined on the basis of the **size** of the moving body type since Westerlage determines a tax based on the **distance** traveled within a taxing region. Accordingly, Westerlage fails to teach or suggest a charge processing device that includes receiving means or a transceiving means for receiving toll data from a location remote to the moving body including charge data, for each of a plurality of different moving body types determined on the basis of a size of the moving body type, relating to the area where a charge is applied, as recited in claims 46 and 50, respectively.

Claims 67 and 70 each recite, in part, that the charge history is based on at least one of a number of times the moving body enters into the area where a charge is applied and a length of time the moving body is located in the area the charge is being applied. In contrast, Westerlage teaches that the tax is based on the distance traveled in the taxing region (column 3, lines 10-15). Westerlage does not teach or suggest that the charge history is based on at least one of a number of times the moving body enters into the area where a charge is applied and a length of time the moving body is located in the area the charge is being applied, as recited in claims 67 and 70.

Claims 49, 69, and 93 are believed allowable for at least the reasons presented above with respect to claims 46, 67, and 70 by virtue of their dependence upon claims 46, 67, and 70 and for the additional features presented therein.

**Claim Rejections Under 35 U.S.C. § 103**

**A.** Claims 47 and 51 were rejected under 35 U.S.C. § 103(a) over Westerlage. Applicants respectfully traverse this rejection.

Claims 47 and 51 are believed allowable for at least the same reasons presented above with respect to claims 46 and 50 by virtue of their dependence upon claims 46 and 50 and because Westerlage does not teach or suggest that the toll data that includes charge data for each of a plurality of different moving body types is determined on the basis of a size of the moving body type, as recited in claims 46 and 50. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

**B.** Claims 48 and 71-73 were rejected under 35 U.S.C. § 103(a) over Westerlage in view of Widl (U.S. Patent No. 5,721,678). Applicants respectfully traverse this rejection.

Claim 72 recites, in part, a charge processing device that includes area information of a predetermined geographical area including toll data showing the predetermined geographical area where a charge is applied being divided into sub-areas and charge amounts for each sub-area are set such that the closer a sub-area is to the center of the predetermined geographical area, the higher the charge amount becomes. In contrast, Westerlage, discloses a grid 60 with taxing regions 1, 2, and 3. Westerlage further discloses that each region represents counties, regions, states, etc. and that each region may have a different tax (Figure 2). Westerlage does not disclose that the charge amounts for each sub-area are set such that the closer a sub-area is to the center of the predetermined geographical area, the higher the charge amount becomes. Additionally, Widl fails to teach such a feature. Accordingly, no

combination of Westerlage and Widl teaches or suggests a charge processing device with in-vehicle communication means that includes area information of a predetermined geographical area including toll data showing the predetermined geographical area where a charge is applied being divided into sub-areas and charge amounts for each sub-area are set such that the closer a sub-area is to the center of the predetermined geographical area, the higher the charge amount becomes, as recited in claim 72.

Claims 48, 71 and 73 are believed allowable for at least the same reasons presented above with respect to claims 46, 70, and 72 by virtue of their dependence upon claims 46, 70, and 72 and because Widl does not remedy the deficiencies of Westerlage since Widl does not teach or suggest that the toll data that includes charge data for each of a plurality of different moving body types is determined on the basis of a size of the moving body type, as recited in claim 46; or that the charge history is based on at least one of a number of times the moving body enters into the area where a charge is applied and a length of time the moving body is located in the area the charge is being applied, as recited in claim 70; or that the area where a charge is applied is divided into sub-areas and charge amounts for each sub-area are set such that the closer a sub-area is to the center of the predetermined geographical area, the higher the charge amount becomes, as recited in claim 72. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

### **Conclusion**

Dependent claims 94-100 are newly presented , fully supported by the original specification and believed allowable over the prior art of record. These claims recite additional novel features of the invention.

In view of the foregoing, all the claims are believed to be in form for allowance, and such action is hereby solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Please charge any fees associated with the submission of this paper to Deposit Account Number 03-3975 under Order No. 41194/271727. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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